

106TH CONGRESS
1ST SESSION

S. 862

To protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 1999

Mr. LAUTENBERG (for himself and Mr. CONRAD) introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged

A BILL

To protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Social Security and
5 Medicare Lock Box Act”.

6 **SEC. 2. DEFINITIONS.**

7 Section 3 of the Congressional Budget Act of 1974
8 is amended by adding at the end the following:

1 “(11) The term ‘Medicare surplus reserve’
 2 means the surplus amounts reserved to strengthen
 3 and preserve the Medicare program as calculated in
 4 accordance with section 316.”.

5 **SEC. 3. PROTECTION BY CONGRESS.**

6 Congress reaffirms its support for the provisions of
 7 section 13301 of the Omnibus Budget Reconciliation Act
 8 of 1990 that provides that the receipts and disbursements
 9 of the Social Security trust funds shall not be counted for
 10 the purposes of the budget submitted by the President,
 11 the congressional budget, or the Balanced Budget and
 12 Emergency Deficit Control Act of 1985.

13 **SEC. 4. SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.**

14 Section 301 of the Congressional Budget Act of 1974
 15 is amended by adding at the end the following:

16 “(j) SOCIAL SECURITY OFF-BUDGET POINT OF
 17 ORDER.—It shall not be in order in the House or the Sen-
 18 ate to consider any concurrent resolution on the budget
 19 (or amendment, motion, or conference report on the reso-
 20 lution) that violates section 13301 of the Budget Enforce-
 21 ment Act of 1990.”.

22 **SEC. 5. MEDICARE SURPLUS RESERVE POINT OF ORDER.**

23 Section 301 of the Congressional Budget Act of 1974
 24 is amended by adding at the end the following:

1 “(k) MEDICARE SURPLUS RESERVE POINT OF
 2 ORDER.—It shall not be in order in the Senate to consider
 3 any concurrent resolution on the budget (or amendment,
 4 motion, or conference report on the resolution) that would
 5 decrease the surplus in any of the fiscal years covered by
 6 the concurrent resolution below the levels of the Medicare
 7 surplus reserve for those fiscal years calculated in accord-
 8 ance with section 316.”.

9 **SEC. 6. ENFORCEMENT OF MEDICARE SURPLUS RESERVE.**

10 Section 311(a) of the Congressional Budget Act of
 11 1974 is amended by adding at the end the following:

12 “(4) ENFORCEMENT OF THE MEDICARE
 13 SURPLUS RESERVE.—After a concurrent resolu-
 14 tion on the budget has been agreed to, it shall
 15 not be in order in the House of Representatives
 16 or the Senate to consider any bill, joint resolu-
 17 tion, amendment, motion, or conference report
 18 that would cause a decrease in the Medicare
 19 surplus reserve in any of the fiscal years cov-
 20 ered by the concurrent resolution. This para-
 21 graph shall not apply to a provision that appro-
 22 priates new subsidies from the general fund to
 23 the Medicare Hospital Insurance Trust Fund.”.

1 **SEC. 7. SUPERMAJORITY.**

2 Subsections (c)(2) and (d)(3) of section 904 of the
 3 Congressional Budget Act of 1974 are amended by insert-
 4 ing after “301(i),” the following: “301(j), 301(k),
 5 311(a)(4),”.

6 **SEC. 8. MEDICARE SURPLUS RESERVE.**

7 Title III of the Congressional Budget Act of 1974
 8 is amended by adding at the end the following:

9 “MEDICARE SURPLUS RESERVE

10 “SEC. 316. (a) IN GENERAL.—Subject to adjustment

11 pursuant to subsection (b), the amounts reserved for the

12 Medicare surplus reserve in each year are—

13 “(1) for fiscal year 2000, \$0;

14 “(2) for fiscal year 2001, \$3,000,000,000;

15 “(3) for fiscal year 2002, \$26,000,000,000;

16 “(4) for fiscal year 2003, \$15,000,000,000;

17 “(5) for fiscal year 2004, \$21,000,000,000;

18 “(6) for fiscal year 2005, \$35,000,000,000;

19 “(7) for fiscal year 2006, \$63,000,000,000;

20 “(8) for fiscal year 2007, \$68,000,000,000;

21 “(9) for fiscal year 2008, \$72,000,000,000;

22 “(10) for fiscal year 2009, \$73,000,000,000;

23 “(11) for fiscal year 2010, \$70,000,000,000;

24 “(12) for fiscal year 2011, \$73,000,000,000;

25 “(13) for fiscal year 2012, \$70,000,000,000;

1 “(14) for fiscal year 2013, \$66,000,000,000;

2 and

3 “(15) for fiscal year 2014, \$52,000,000,000.

4 “(b) ADJUSTMENT.—

5 “(1) IN GENERAL.—The amounts in subsection

6 (a) for each fiscal year shall be adjusted in the

7 budget resolution each fiscal year through 2014 by

8 a fixed percentage equal to the adjustment required

9 to those amounts sufficient to extend the solvency of

10 the Federal Hospital Insurance Trust Fund through

11 fiscal year 2027.

12 “(2) LIMIT BASED ON TOTAL SURPLUS.—The

13 Medicare surplus reserve, as adjusted by paragraph

14 (1), shall not exceed the total baseline surplus in any

15 fiscal year.”.

16 **SEC. 9. PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTEN-**

17 **SION.**

18 (a) IN GENERAL.—Notwithstanding any other provi-

19 sion of law, sections 251 and 252 of the Balanced Budget

20 and Emergency Deficit Control Act of 1985 and section

21 202 of H. Con. Res. 67 (104th Congress) shall be enforced

22 until Congress enacts legislation that—

23 (1) ensures the long-term fiscal solvency of the

24 Social Security trust funds and extends the solvency

1 of the Medicare trust fund through fiscal year 2027;
 2 and

3 (2) includes a certification in that legislation
 4 that the legislation complies with paragraph (1).

5 (b) DISCRETIONARY CAP EXTENSION.—Section
 6 251(c) of the Balanced Budget and Emergency Deficit
 7 Control Act of 1985 is amended by adding after paragraph
 8 (7) the following:

9 “(8) for each fiscal year after 2002, the current
 10 services baseline based on the discretionary spending
 11 limit for fiscal year 2002;”.

12 **SEC. 10. ADJUSTMENT OF BUDGET LEVELS AND REPEAL.**

13 (a) ADJUSTMENTS.—Upon the enactment of this Act,
 14 the Chairmen of the Committees on the Budget shall file
 15 with their Houses appropriately revised budget aggre-
 16 gates, allocations, and levels (including reconciliation lev-
 17 els) under the Congressional Budget Act of 1974 to carry
 18 out this Act.

19 (b) REPEAL.—Section 207 of H. Con. Res. 68 (106th
 20 Congress) is repealed.

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